

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Amanda I. Dowdell,

Plaintiff,

v.

**Case No. 2:19-cv-1430
Judge Michael H. Watson
Magistrate Judge Vascura**

Commissioner of Social Security,

Defendant.

ORDER

This case is before the Court to consider the Report and Recommendation (“R&R”) issued by the Magistrate Judge on March 30, 2020. The Magistrate Judge recommended that Plaintiff’s Statement of Errors be overruled, the decision of the Commissioner of Social Security be affirmed, and that judgment be entered in favor of the Commissioner of Social Security (“Defendant”). ECF No. 18. This matter is now before the Court on Plaintiff’s Objections to the Magistrate Judge’s R&R. ECF No. 19. The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises one primary objection to the Magistrate Judge’s R&R and also urges the Court to review all the arguments set forth in detail in the Statement of Specific Errors. In her objection, Plaintiff argues that the ALJ failed to properly evaluate the opinion evidence of record. Specifically, Plaintiff asserts

that the ALJ chose to rely on the opinion and testimony provided by Dr. Michael Lace, Psy. D., the medical expert, which was contrary to the other opinion evidence in the record. Plaintiff argues that the ALJ's decision should be reversed because the ALJ failed to properly consider the discredited opinions.

The Magistrate Judge considered Plaintiff's objection and found that the ALJ explained in great detail why he found Dr. Lace's opinions to be most credible. The Magistrate Judge further noted that the ALJ did not solely rely on Dr. Lace's opinion, but also consider the opinions of the state agency reviewers (Dr. Cynthia Waggoner, Psy. D. and Dr. Karen Terry, Ph. D.) in formulating Plaintiff's mental RFC. Further, the Magistrate considered each of the opinions that Plaintiff argued were not afforded sufficient weight by the ALJ and ultimately concluded that the ALJ's weighing of the mental health opinions was supported by substantial evidence.

The Court has carefully considered Plaintiff's arguments, but ultimately agrees with the Magistrate Judge's conclusion that the ALJ weighed and considered all the mental health opinions in formulating Plaintiff's mental RFC. He did not solely rely on the opinion of Dr. Lace because the ALJ's mental RFC was more restrictive than Dr. Lace opined. Therefore, for the reasons stated in the well-reasoned R&R, this Court finds that Plaintiff's objection is without merit.

Based on the aforementioned, and the detailed R&R, Plaintiff's objection is hereby **OVERRULED**. Accordingly, the R&R, ECF No. 18, is **ADOPTED** and **AFFIRMED**.

The Clerk shall remove ECF Nos. 18 and 19 from the Court's pending motions list and enter final judgment in favor of Defendant.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT